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September 30, 1977

Samuel P. Moulthrop, Esq.
Office of Regulatory Affairs
Department of Environmental
Protection
Division of Water Resources
P.O. Box 2809
Trenton, New Jersey 08625

Re: Troy Chemical Corporation
Newark, New Jersey

Dear Mr. Moulthrop:

Pursuant to my letter of September 28, 1977, I have had an opportunity to meet with my client; and discuss in its entirety your letter of September 21, 1977 outlining certain activities to be performed by my client.

In order to properly respond, I will use the numbering that you have set forth in your letter and comment upon each item accordingly. I would again like to point out that it is the Company's position that its activities are not violative of any applicable environmental laws or regulations, and that the "understandings" that we have arrived at are being carried out in a cooperative and amicable manner.

1. This item has been thoroughly investigated by my client and the following facts are presented.

A. As stated to you at our meeting on August 30, 1977, the disposal field for the existing septic system had been repaired at a considerable expense to the Company.

B. The disposal field is not covered by a paved area any longer.

C. The branch of Pierson's Creek, which allegedly runs through my client's property, was blocked off sometime ago by Albert Steel Drum Company; and,

therefore, the creek no longer constitutes a stream.

D. In order to connect the existing septic system to the Newark sewerage collection system, the following work and extensive engineering is required.

- (1) The construction of a 500 foot pipeline half of which is to go overland and the remaining portion underground.

- (2) Extensive excavation is required for the construction of this pipeline in that existing concreted areas have to be torn up and reinstalled.

- (3) Existing cross pipes and equipment have to be removed in order to construct the line.

- (4) The location of the line has to be such that it does not interfere with future buildings and installations.

- (5) Those portions of the pipe above ground would need a steam trace line to keep the same from freezing.

- (6) A pump would have to be installed, which will take 8 to 10 weeks for delivery.

E. The approximate cost of connecting this septic system to the Newark sewerage collection system will be approximately \$25,000.00, barring unforeseen events.

F. In light of the above, my client advises that the repair work performed to the septic system has improved its operation. Additionally, my client advises that it is in the process of making an application to the Department for permission to fill in this particular branch of Pierson's Creek, which runs between its property and the property of other corporations in the area. When the approval is received from the Department for filling in the area, it can certainly be filled in with material to permit

continued use of the septic system, thereby obviating the necessity of expending unreasonable sums of money for the connection to the Newark sewerage collection system. At the time of our meeting on August 30, 1977, my client did not know the extensive problem created with the connecting of this particular septic system. We certainly do not wish to be responsible for discharging any sewage into the branch of Pierson's Creek from the septic system. We do feel, however, that the situation has been corrected and that a more positive approach would be to fill in the branch of the creek, as outlined above. I also understand that the Department's last inspection confirmed the satisfactory operation of this septic tank. In the interim, however, my client did make an application to the City of Newark at least three weeks ago for a permit to connect the septic system to the Newark sewerage collection system. My client's plumber recently received the permit to do the work. However, as pointed out above, the extensive nature of both the construction and financial outlay was not fully apparent to my client when we discussed the connection of the septic system to the sewerage collection system. In light of the above, as an alternative to the extensive construction work and costs of connecting to the Newark collection system, I would appreciate your thoughts on the proposed filling in of the branch of Pierson's Creek as outlined above. We are not attempting to avoid any responsibilities in this regard, but we are merely attempting to arrive at a more practical and reasonable solution. The other property owners adjoining the branch of the Pierson's Creek have all indicated their agreement to filling in this area, which will have significant environmental benefits to all. Before taking another step in regard to this particular idea, I would appreciate having the opportunity to discuss the same with you and to determine which way to proceed. Again, I want to emphasize that all I am trying to do is achieve a more practical and reasonable solution to this one particular item.

2. This item was fully completed sometime ago.

3. As pointed out to you at our meeting of August 30, 1977 and I believe confirmed by the Departmental representatives, the only alleged discharges concerned cooling water and some steam condensate. There were no other discharges that we know of in that we pointed out to you that pipes in the area had been rearranged sometime ago. In regard to the issue of the cooling water, I do not believe that we have reached a firm conclusion that the same is an illegal or improper discharge. Certainly the steam condensate would not be considered a pollutant. We also feel that the cooling water is not contaminated as to prevent its discharge to the stream. Pursuant to your request, my client did consult with the Passaic Valley Sewerage Commissioners and they informed my client that they would prefer that the cooling water and steam condensate continue to be discharged into the Creek, rather than into their system. This is based on the fact that they do not feel clean water of this nature should be discharged into their facility since the same does not need any treatment. In the interim, however, my client did curtail the flow of cooling water from the cooling system so that there is very little of the same overflowing into the creek. We plan to continue to discuss this matter with the Passaic Valley Sewerage Commission, however, as I pointed out to you at our conference, I think that the discharge of cooling water of this nature should not be placed in the Passaic Valley system; but discharged into the Creek. In the interim, until this matter is resolved, the Company will continue to divert the cooling water to the sewerage system. I would appreciate knowing from the Department whether or not the cooling water can be directly discharged into the Creek since my client should not be paying excessive sewerage charges for the disposal of relatively clean water. Your prompt attention to this issue would be greatly appreciated.

4. All so-called leaking drums have been removed from the Company's site and have been disposed of in a proper manner. In addition, alleged contaminated soil has been removed from the ground and has been placed in containers, which will be disposed of by Duane Marine Inc. the contractors performing this work. I should point out to you that my client has been in direct communication with Ron Buchannan of the Bureau of Solid Waste regarding the disposal of the soil materials.

5. A. Raw Materials - stored in concrete areas.
- B. Intermediates - stored in concrete areas.
- C. Finished products - stored in warehouses or concrete areas.

It should be noted that berms have been installed around the property to protect the Creek from the receipt of any contaminated waters. Contaminated waters are discharged to

to the Company's effluent system. Storm waters that are contaminated with toxic and hazardous substances are directed through the Company's pretreatment unit. The Company feels that the berms that have been installed to protect the waters of Pierson's Creek are appropriate to prevent contamination of the Creek's waters.

6. Dikes for the oil storage area have always been in existence; and, in addition, the major part of the storage of raw materials has always been carried out in dike areas. The remaining raw material storage tanks which were felt to be of no problem have been diked anyway. The fungicide process tank is not a storage tank. As a process tank, we do not believe that a dike is required since the tank is filled only a few hours each day. The Company has constructed a berm around the concrete pad on which the tank rests so that so-called drippings will not contaminate nearby soil.

7. Plates and plugs on the floor drains of the Company's warehouse have been installed.

8. With regard to this item, I do believe that a misunderstanding has occurred in that I do recall from my notes at our August 30, 1977 conference that this septic system was satisfactory. As noted at our conference, this septic system services the old locker room, and its use will be minimal when the new locker room is constructed. It is expected that the new locker room will be constructed within the next two months and the use of the old locker room will be limited to probably no more than five people per shift. From a practical point of view the employees will probably be using the new locker room exclusively as opposed to the old locker room. In any event, my client pointed out to me that this septic system was proper and did not present any problem. I would, therefore, appreciate your clarifying this item.

I am sure you can note from the above that the Company has kept its commitments to the Department as reviewed at our August 30, 1977 conference. There are a couple of loose ends as noted above with respect to items 1, 3 and 8, which I would hope you could reexamine and advise of your position. I am particularly concerned about item 1, in that I do not wish to see the Company become involved in unreasonable and unnecessary expenditures. I think you would certainly agree with me on that point. The other remaining question regarding item 3, I do feel should be addressed soon; but as noted the Company has taken interim steps which I believe are satisfactory. I do feel that item 8 should certainly be eliminated.

Samuel P. Moulthrop, Esq.

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September 30, 1977

In regard to your request for a clarification of the list of products and chemicals which the Company submitted as part of its permit to locate application, I am enclosing herein a complete itemization of raw materials and finished products. I trust after reviewing the information contained in this letter that you will find the Company has moved expeditiously to carry out its representations made to the Department. I look forward to hearing from you as to certain questions that I have raised above.

Again, many thanks for the kind courtesies and cooperation you have extended to me and my client in this matter. Should you have any questions in regard to the within response, please feel free to contact me at your earliest convenience.

Yours truly,

SCHWARTZ, STEINBERG, TOBIA & STANZIALE

BY: THEODORE A. SCHWARTZ

TAS:cpc

Enc.

cc: Mr. Milton Nowak
Mr. Alvin Zach
Mr. Seymour Lubetkin
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